

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

**OFFICER: GUSTAVO MONTESDEOCA
TAX NUMBER: 946 022**

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York Police Department (NYPD) has deemed substantiated the allegation that on or about October 9, 2012, Gustavo Montesdeoca committed the violation of Department Rules Violation – Traffic Violations Bureau Non-Appearance. This related to an appearance on September 25, 2012, at which the officer arrived at 0945 hours for an appearance at 0830 hours, resulting in the dismissal of summonses against three motorists.
2. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated an allegation that, on or about July 30, 2014, Gustavo Montesdeoca committed the violation of Force – Physical Force. This involved a situation on West Fourth Street in the 6th Precinct in which he used physical force against an individual who was resisting arrest. On that date, the police were called to the scene when the individual became involved in an altercation with three others and impersonated a police officer. Upon arriving, the individual resisted arrest by flailing his arms and moving his body on the floor. While he was on the floor, he said that an officer punched him in the eye, causing him to sustain a black eye. Officer Montesdeoca admitted to the CCRB investigators that he struck the individual in an effort to obtain compliance while the individual was resisting arrest. After doing so, the police were able to handcuff the individual. After investigating the case, the CCRB concluded that the force used by Officer Montesdeoca was not the minimum amount of force that he could have used to restrain the individual, and therefore deemed the allegation substantiated.
3. The New York Police Department (NYPD) has deemed substantiated the allegation that on April 4, 2019, Gustavo Montesdeoca, while assigned to the 6th Precinct, failed an integrity test in that he failed to voucher recovered evidence, and failed to prepare the necessary and required documentation for the incident. (The integrity test was targeted against Officer Montesdeoca's partner as a result of a 2018 complainant against the partner.) An IAB undercover approached the officers and stated that his 16-year-old daughter came home from a specific nightclub in an intoxicated state. The UC stated he found ecstasy pills on her person and handed them to Officer Montesdeoca's partner. The officer stated that without the man's daughter present at the scene he could not investigate the incident nor take a complaint report. Officer Montesdeoca took custody of the pills then disposed of the pills himself instead of vouchering them.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: November 18, 2020